

State of California  
Regional Water Quality Control Board  
San Diego Region

**SUPPLEMENTAL**  
**EXECUTIVE OFFICER SUMMARY REPORT**  
June 29, 2005

- ITEM: 8
- SUBJECT: PUBLIC WORKSHOP: The Regional Board will present Tentative Cleanup and Abatement Order No. R9-2005-0126 and may obtain public input on what persons should be held accountable for cleanup of the marine sediments, as well as the appropriate level and extent of sediment cleanup. The workshop will include informal discussion on the sediment cleanup, which will be presented for action at a future Regional Board meeting. There is no voting at workshops. Regional Board members may or may not be present at the workshop. (*Craig Carlisle*)
- PURPOSE: The Regional Board will provide an overview of Tentative Cleanup and Abatement Order No. R9-2005-0126 and will also discuss the process that will be followed for considering adoption of the tentative CAO. The workshop provides an opportunity for the public to provide comments on the sediment cleanup and the tentative CAO.
- PUBLIC NOTICE: On April 27, 2005, the Executive Officer of the Regional Board issued the notice of public workshop (June 1, 2005) and the notice of public hearing (June 29, 2005). These notices were published in the San Diego Union-Tribune and the North County Times. The Regional Board subsequently rescheduled the June 1, 2005 public workshop to June 29, 2005 and postponed the public hearing. On May 20, 2005, the Executive Officer issued the notice of public workshop (rescheduled date: June 29, 2005) and the notice of public hearing (postponed).
- DISCUSSION: On April 29, 2005, the Regional Board issued Tentative Cleanup and Abatement Order (CAO) No. R9-2005-0126 to the following persons named as dischargers in the CAO:
- National Steel and Shipbuilding Company (NASSCO)
  - Southwest Marine, Inc.
  - City of San Diego
  - Marine Construction and Design Company and Campbell Industries, Inc.

## Supplemental EOSR

- Chevron, A Subsidiary of ChevronTexaco
- BP
- San Diego Gas and Electric, A Subsidiary of Sempra Energy Company
- United States Navy

Tentative CAO No. R9-2005-0126 establishes proposed cleanup requirements for the San Diego Bay marine sediment located within and adjacent to the NASSCO and Southwest Marine shipyard leaseholds.

### KEY ISSUES:

1. The persons proposed in tentative Cleanup and Abatement Order No. R9-2005-0126 to be held accountable for cleanup of the marine sediments at the Shipyard Sediment Site.
2. The cleanup levels specified in Directive A.1. of tentative Cleanup and Abatement Order No. R9-2005-0126.
3. The hearing procedures the Regional Board will follow to receive public comment and testimony on tentative Cleanup and Abatement Order No. R9-2005-0126, what persons should be held accountable for cleanup of the marine sediments, and the appropriate level and extent of sediment cleanup.

### LEGAL CONCERNS:

None.

### SUPPORTING DOCUMENTS:

4. **Agenda for Item 8. Public Workshop on Tentative Cleanup and Abatement Order No. R9-2005-0126.**
5. **June 15, 2005 Letter from Mr. Scott Tulloch of City of San Diego. Response to Tentative Cleanup and Abatement Order R9-2005-0126 for the San Diego Bay Marine Sediments within and Adjacent to National Steel and Shipbuilding Company and South West Marine.**
6. **June 15, 2005 Letter from Mr. Christopher J. McNevin of Pillsbury Winthrop Shaw Pittman LLP., Attorney representing Chevron U.S.A. Tentative Cleanup and Abatement Order No. R9-2005-0126: Comments for June 29, 2005 Public Workshop.**
7. **June 15, 2005 Letter from Mr. James J. Dragna of Bingham McCutchen LLP. BP Comments on Tentative Cleanup and Abatement Order No. R9-2005-0126.**

8. **June 15, 2005 Letter from Mr. Vincent M. Gonzalez of Sempra Energy. Tentative Cleanup & Abatement Order No. R9-2005-0126 Issued by the San Diego Regional Water Quality Control Board (“RWQCB”), on April 29, 2005 (“Order”).**
9. **June 15, 2005 Letter from Mr. Thomas J. Mulder of ENV America., Technical Consultant representing SDG&E. Comments on Tentative CAO R9-2005-0126 dated April 29, 2005.**
10. **June 14, 2005 Letter from Captain Anthony J. Gonzalez of the U.S. Navy. Navy Comments on Tentative Cleanup and Abatement Order No. R9-2005-0126.**
11. **June 9, 2005 Letter from Mr. Frank LoPreste of Royal Polaris. San Diego Bay Sediments Clean-up.**
12. **June 13, 2005 Letter from Mayor Stephen C. Padilla of City of Chula Vista. Support for protective cleanup standards for sediment remediation in San Diego Bay.**
13. **Post Card Comments from Interested Parties.**
14. **October 31, 2001 Letter from Mr. John Robertus, Executive Officer of the San Diego Regional Water Quality Control Board. Applicability of State Board Resolution 92-49 – Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304.**
15. **February 22, 2002 Letter from Mr. Craig M. Wilson of State Water Resources Control Board - Office of Chief Counsel. Applicability of State Board Resolution 92-49 in Setting Sediment Cleanup Levels.**
16. **June 15, 2005 Letter from Ms. Laura Hunter and Ms. Georgette Gomez of Environmental Health Coalition. How to Achieve Environmental Justice Using a Precautionary Approach in Environmental Decisions: Recommendations for Sediment Quality Decisions in San Diego Bay.**

RECOMMENDATION:      None.